

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHNNY FERRELL, JR.,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-07-0261-HE
	)	
MIKE CARR,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner Johnny Van Ferrell, Jr., a state prisoner appearing *pro se*, instituted this action pursuant to 28 U.S.C. § 2241, seeking a writ of habeas corpus. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Doyle W. Argo, who recommended that the respondent's second motion to dismiss be denied but that the petitioner's fourth grounds for habeas relief be dismissed as moot.<sup>1</sup>

Petitioner and respondent have failed to object to the Report and Recommendation and, therefore, they have waived their right to appellate review of the factual and legal issues it addresses. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1(a). Also, the court substantially concurs with the magistrate judge's analysis.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 23], **DENIES** the respondent's second motion to dismiss [Doc. # 22], and **DISMISSES** the


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<sup>1</sup>*The court previously adopted the Report and Recommendation by Judge Argo recommending denial of habeas relief as to petitioner's first, second, and third grounds. See Order, dated December 28, 2007, [Doc. # 20].*

petitioner's fourth grounds for habeas relief as **MOOT**.

**IT IS SO ORDERED.**

Dated this 29th day of April, 2008.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE